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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 14-0306 WHA
)	
Plaintiff,)	STIPULATION TO EXCLUDE TIME AND
)	PROPOSED ORDER
v.)	
)	
LUKE D. BRUGNARA,)	
)	
Defendant.)	

The United States, by its undersigned counsel, and defendant, by his undersigned counsel, hereby stipulate to and memorialize the following findings:

On February 17, 2015, the parties appeared before this Court for a hearing. The government was represented by Assistant United States Attorney Ben Kingsley, and defendant was present and represented by Erik Babcock. At this hearing, the Court again took notice of the very high likelihood that Mr. Babcock has been conflicted out of the case because he is a witness to defendant's absconding from the federal building on February 5, 2015. Mr. Babcock represented that a replacement lead counsel for defendant, who has been found indigent, had not yet been identified from among those available through the CJA panel. The Court set a status conference on Tuesday, March 3, 2015 to allow time for the identification of replacement counsel. The Court also ordered the government to respond to

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defendant's pending motion *in limine* regarding the testimony of Natalia Shlyapina, Dkt. 315, by Friday, February 27, 2015, and order defendant to respond by March 6, 2015.

With the agreement of the parties and based on the representations of defense counsel, the Court excluded time under the Speedy Trial Act from February 17, 2015 to March 3, 2015, to allow defendant reasonable time to obtain counsel, taking into consideration the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(iv). The Court also found that time was excluded, in any event, by the filing of defendant's pending motion *in limine*, Dkt. 315, which was filed February 3, 2015, and which has not yet been resolved as a result of defendant's absconding. *See* 18 U.S.C. § 3161(h)(1)(D).

IT IS SO STIPULATED.

DATED: February 17, 2015

/s/
ROBIN L. HARRIS
BENJAMIN KINGSLEY
Assistant United States Attorneys


DATED: February 17, 2015

/s/
ERIK G. BABCOCK
Counsel for Defendant Luke Brugnara

A status conference is set for March 3, 2015. The time from February 17, 2015, until March 3, 2015, is excluded under the Speedy Trial Act to allow defendant reasonable time to obtain counsel, taking into consideration the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(iv). Time is also excluded from the date of the filing of defendant's pending motion *in limine*, Dkt. 315, on February 3, 2015, until that motion is heard or promptly resolved. *See* 18 U.S.C. § 3161(h)(1)(D).

IT IS SO ORDERED.

DATED: February 18, 2015.


HON. WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE